

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10393-NG

In Re: )  
MICHAEL J. DELANEY ) Chapter 7  
Debtor ) Case No. 02-12083-CJK  
\_\_\_\_\_) )  
) )  
J. BRIAN MOORE and )  
LAURA M. MOORE )  
Plaintiffs/Appellants )  
) Adversary Proceeding  
v. ) No. 02-1341  
) )  
DAVID B. MADOFF, )  
TRUSTEE IN BANKRUPTCY )  
OF MICHAEL J. DELANEY )  
ET AL. )  
Defendants/Appellees )  
)

MOTION FOR EXPEDITED HEARING ON APPEAL

To the Honorable Nancy Gertner, United States District Judge:

Gerrity Company, Incorporated, ("Gerrity") the Appellee in the above captioned appeal respectfully requests that this Court grant expedited consideration of this appeal and in support thereof, Gerrity states the following:

1. The Moores have been in possession of Lot 2-4 a/k/a 74 Wintergreen Farm Road, Pembroke, Massachusetts (hereinafter the "Real Estate") which is the subject of this appeal for several years.

2. During that time, to the best of the knowledge of Gerrity, no real estate taxes have been paid by the Moores. The

Moore's have not made any payments to Gerrity, previously the holder of a mortgage on the Real Estate and now the owner thereof pursuant to a foreclosure sale conducted earlier this year.

3. Taxes continue to accrue on the Real Estate plus appropriate penalties and interest. The Moores are being unjustly enriched at the expense of Gerrity because the Moores are living rent free at the expense of Gerrity as a mortgage holder and now the owner of the Real Estate.

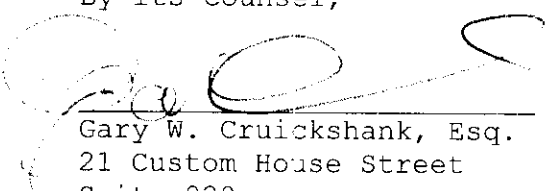
4. Gerrity has commenced an eviction proceeding in the appropriate state court but that action has been stayed pending the resolution of this appeal.

5. Therefore, until such time as this appeal is resolved, Gerrity will continue to be damaged and the Moores will continue to be unjustly enriched at the expense of Gerrity unless this Court considers this appeal on an expedited basis.

WHEREFORE, for the reasons set forth above, Gerrity respectfully requests that this Court grant expedited consideration of this appeal.

Respectfully submitted  
Gerrity Company Incorporated  
By its Counsel,

Dated: 12/21/04

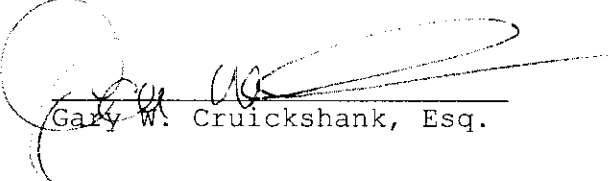


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CERTIFICATE OF SERVICE

I, Gary W. Cruickshank, hereby certify that a copy of the foregoing Motion has been served, via facsimile and regular mail, upon James F. Creed, Jr., Esq., Creed & Formica, Counsel to the Appellants, 1329 Highland Avenue, Needham Massachusetts 02492.

Dated: 12/20/04

  
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Gary W. Cruickshank, Esq.